

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

## AIRLINES REPORTING CORPORATION,

CASE NO. 08mc88-IEG

### Plaintiff/Judgment Creditor,

## Order Granting in Part Motion for Stay

VS.

COMMERCIAL TRAVEL CORPORATION  
dba MATLOCK TRAVEL, et al..

### Defendants/Judgment Debtors.

17 Plaintiff/Judgment Creditor Airline Reporting Corporation (“ARC”) has registered in this  
18 Court a judgment by default from the Eastern District of Virginia against Defendant/Judgment  
19 Debtor Mario Renda<sup>1</sup> (“Renda”) in the amount of \$701,942.81. On May 23, 2008, ARC filed a  
20 motion for an assignment order pursuant to Fed. R. Civ. P. 69 and California Code of Civil  
21 Procedure § 708.510 and § 709.020. Such motion is scheduled for hearing on Monday, July 14,  
22 2008.

23 On June 25, 2008, Renda filed an ex parte motion for a stay pursuant to Fed. R. Civ. P.  
24 62(b)(4) to allow him time to file and have heard a motion to vacate the underlying default  
25 judgment pursuant to Fed. R. Civ. P. 60(b)(4). ARC has filed an opposition.

26 Rule 62(b)(4) provides that “[o]n appropriate terms for the opposing party’s security, the

<sup>28</sup> <sup>1</sup>Although his name does not appear in the case caption, the Eastern District of Virginia entered judgment against Mario Renda personally. [See Judgment, Doc. No. 1.]

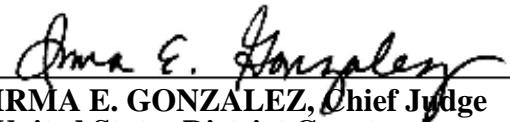
1 court may stay the execution of a judgment – or any proceedings to enforce it – pending  
2 disposition of [a] motion[] . . . under Rule 60 for relief from a judgment.” There is no clear  
3 standard governing the trial court’s exercise of its discretion under Rule 62(b)(4).<sup>2</sup> Renda argues a  
4 stay will avoid the unnecessary expenditure of time and resources by both himself and the Court in  
5 addressing ARC’s motion for an assignment order while the validity of ARC’s default judgment is  
6 in question.

7 Upon review, the Court grants in part Renda’s motion and orders as follows:

- 8 1. The hearing on ARC’s motion for an assignment order is CONTINUED from  
9 Monday, July 14 to Friday, July 25, 2008 at 10:00 a.m.
- 10 2. Renda’s motion for relief from judgment under Fed. R. Civ. P. 60(b)(4) is also set  
11 for hearing on Friday, July 25, 2008 at 10:00 a.m.
- 12 3. All motion, opposition, and reply papers shall be filed in the time provided by Civ.  
13 L.R. 7.1(e).

14 **IT IS SO ORDERED.**

15  
16 **DATED: June 26, 2008**

  
17 IRMA E. GONZALEZ, Chief Judge  
18 United States District Court

26 <sup>2</sup>Although Plaintiff/Judgment Creditor cites the case of SEC. v. Platforms Wireless Int’l Corp., 2008 U.S. Dist. LEXIS 7194, \*25-26 (S.D. Cal. 2008) in support of the Court applying a  
27 sliding scale standard similar to the one which governs preliminary injunctive relief, a close  
28 review of that case and the authorities cited therein reveals the courts apply such a standard when a  
party seeks stay pending appeal of the entry of injunctive relief under Rule 62(c). 11Charles Alan  
Wright, et al., Federal Practice and Procedure: Civil 2d § 2904, p. 501 (1995).